

CALIFORNIA COASTAL COMMISSION

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November 20, 2013

John McKenzie
County of San Luis Obispo
Planning and Building Department
976 Osos Street, Room 200
San Luis Obispo, CA 93408

Re: **Notice of Preparation (NOP) of an Environmental Impact Report for the Los Osos Community-Wide Habitat Conservation Plan**

Dear Mr. McKenzie:

Thank you for soliciting input from the California Coastal Commission (Commission) on the preparation of an Environmental Impact Report (EIR) for the proposed Los Osos Community-Wide Habitat Conservation Plan (HCP). The HCP would cover activities and actions within an approximately 3,560-acre planning area, bounded by the Morro Bay Estuary to the west, Morro Bay State Park to the north, Los Osos Creek to the east, and Montana de Oro State Park to the south. The HCP is one component of a three part process (along with a Local Coastal Plan Amendment) necessary to allow future development and provide wastewater treatment service to undeveloped parcels within Los Osos.

It is imperative that the EIR evaluates the HCP boundaries as they would be amended through the eventual Local Coastal Plan Amendment. This analysis will help to ensure infill boundaries correspond with the wastewater treatment service areas and other applicable boundaries for planning, like the Urban Services Line (USL) and the greenbelt area lines within the URL, and that potential changes to the USL based in part on the HCP, will be described in detail. The project location on page 5 of the NOP indicates that the study area coincides with the Urban Reserve Line (URL) for Los Osos, yet, for example, certain areas of the "core," e.g., are outside the current USL. Please ensure such areas are clearly described and evaluated in terms of how and why the USL and/or the URL may be amended to include or exclude certain areas.

In addition, Condition 92 of the Los Osos Wastewater Treatment Plant (LOWWP) coastal development permit requires that the "HCP shall identify the habitat resources and the quality of those resources on the remaining vacant properties within the South Bay Urban Area and the Los Osos Greenbelt" (see full citation below). Commission staff looks forward to continuing to work in coordination with the County on this critical component of the HCP, and to ensure consistency with the existing conditions of the LOWWP.

The Notice of Preparation identifies 17 "environmental issues" to be evaluated in the EIR. These proposed impact topics generally cover the applicable Coastal Act issues raised by the proposed HCP. While we may have additional comments upon release of the EIR, we request that you specifically address the following in developing the EIR:

Biological Resources

The EIR/NEPA document should include a map and discussion of the physical characteristics of the study area including the topography, soil types, migration corridors, and overall climate and micro-climates of the HCP planning area. The document must include the results from a current biological assessment and wetland delineation of the Habitat Conservation Plan (HCP) Area. The following information should be included in the EIR/NEPA document:

- A list of sensitive species and habitats that are known to occur and that could occur in the HCP area. The California Natural Diversity Data Base, the California Native Plant Society, and other reliable source(s) should be queried to ensure that the list is as accurate as possible.
- Protocol-level survey results for those sensitive species likely to occur within the HCP area.
- Habitat maps (sensitive plant and animals species locations should be included on maps).
- Discussion of seed banks.
- Observed and estimated wildlife use of the HCP area.
- Nesting bird survey results including locations of rookeries/heronries. Protocol-level surveys must be conducted for sensitive species. If raptors occur in the HCP area, raptor protocol nesting and wintering surveys should be conducted.
- Location of trees suitable for nesting or roosting and location of significant foraging habitat.
- A wetland delineation (performed using Commission criteria) report and associated maps that show the boundaries of all delineated wetlands. Please include the wetland data sheets in the document.

In addition, the EIR/NEPA document should include an analysis of the frequency of wildfires, floods, or other natural disasters affecting the HCP area and the length of time since the last fire, flood, etc. The document should discuss how the HCP will avoid and minimize impacts to natural resources and should include appropriate mitigations for any impacts.

Lastly, the EIR/NEPA document should provide an analysis of the historical ecology of the HCP area that includes habitat maps (including the U.S Coast Survey "T-sheets" of the area, if available) that identify the types, locations, and patterns of habitat and where possible, and location of species through time. This historical ecology analysis, along with the current biological assessment and wetland delineation findings of the HCP area, will be invaluable for evaluating the efficacy of the proposed HCP.

LOWWP Condition #92

Condition #92 of the LOWWP is relevant to the HCP. Please ensure compliance with the requirements of this condition and ensure that the requirements are included within the scope of the EIR. The full text of the condition is shown below:

Prior to providing wastewater treatment service to undeveloped parcels, the County, in coordination with the California Department of Fish and Game (CDFG), the US Fish and Wildlife Service (USF&WS), San Luis Obispo County and the California Coastal Commission shall prepare and implement a Habitat Conservation Plan (HCP) for the long-term preservation of habitat remaining within the Los Osos Greenbelt, including habitat remaining on individual vacant lots. The HCP shall:

- a. identify the habitat resources and the quality of those resources on the remaining vacant properties within the South Bay Urban Area and Los Osos Greenbelt;*
- b. specify measures to avoid and minimize impacts to ESHA from buildout of the Service area, and to mitigate unavoidable impacts through acquisition, protection, and/or restoration of equivalent habitat within the planning area; and*
- c. implement such measures through an amendment to the Estero Area Plan that integrates the HCP, as approved by the US Fish and Wildlife Service and Department of Fish and Game, with LCP standards for development in the South Bay Urban Area. This LCP amendment must become fully effective, and all permits required by state and federal Endangered Species Acts shall be issued, before County makes any final commitment to provide wastewater treatment service to undeveloped properties.*

The range of potential conservation programs to be considered in the HCP shall include, but not be limited to the following:

- a. New development programs and standards that maximize preservation of sensitive biological resources in the Los Osos area, such as:*
 - i. Transfer of development credits*
 - ii. Clustering Board of Supervisors – Adopted Findings and Conditions of Approval*
 - iii. Avoidance of sensitive resources in site design*
 - iv. Changes in density and land use*
 - v. Incorporation of open space into the design*
 - iv. Changes in density and land use*
 - v. Incorporation of open space into the design of new development*
- b. Programs aimed at facilitating coordination among agencies and organizations involved in management and conservation/preservation of sensitive resources, including USF&WS, CDFG, California Coastal Commission, San Luis Obispo County, MBNEP, Land Conservancy of San Luis Obispo County, and others;*

c. The creation of a land bank program to facilitate the purchase of properties with high quality habitat within the Greenbelt, to be repaid over time from fees on new building permits; and

d. Programs for the acquisition of properties within the Greenbelt that contain significant habitat resources.

Thank you for your consideration of the comments included above. If you have any questions, please feel free to call me (831) 427-4863.

Sincerely,



Daniel Robinson
Coastal Planner
Central Coast District Office

